REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed on June 10, 2004. In that Action, the Examiner notes that claims 1-15 and 17-20 are pending and stand rejected. By this response claims 1-15 and 17-20 continue unamended.

The Applicant submits that none of the claims now pending are non-enabling, anticipated, or obvious under the respective provisions of 35 U.S.C. §112, §102, and §103. Thus, the Applicant believes that all pending claims are allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner rejected claims 1-8, 10, 12-15 and 17-20 under 35 U.S.C. 102(e) as being anticipated by Yang et al. (U.S. Patent No. 6,005,620, hereinafter "Yang"). Applicant respectfully traverses the rejection.

Applicant's independent claims 1 and 14 recite, respectively:

> "1. A method for inserting a second compressed video stream into a first compressed video stream, the method comprising:
> receiving the first compressed video stream;
> determining a profile for the first compressed video stream;
> encoding a second video in accordance with a particular encoding scheme and further with a profile similar to the profile of the first compressed video stream to generate the second compressed video stream;
> controlling the encoding of the second video based at least in part on the profile of the first compressed video stream; and
> splicing the second compressed video stream into the first compressed video stream. [Emphasis added]
>
> 14. A system operative to insert a second compressed video stream into a first compressed video stream, comprising:
> a profiler configured to receive the first compressed video stream and provide a profile for the first compressed video stream;
> a real time encoder coupled to the profiler and configured to receive and encode a second video in accordance with a particular encoding scheme and further with a profile similar to the profile of the first compressed video stream to generate the second compressed video stream, and wherein the real time encoder is further configured

> to control the encoding of the second video based at least in part on the profile of the first compressed video stream; and
>
> a multiplexer operatively coupled to the real time encoder and operative to receive the second and first compressed video streams and to splice the second compressed video stream into the first compressed video stream." [Emphasis added]

Applicant teaches a technique of splicing one compressed video stream into another compressed video stream such that video problems caused by the splice are minimized.

Yang addresses the problem of the limited number of video channels that can be included in a broadcast transmission, see "Background of the Invention." Yang teaches determining the "complexity" of pre-compressed video signals (30) that are to be multiplexed into a video stream and sent on a data link (16). As an example of a complexity determination, Yang teaches finding the bit rates of the pre-compressed signals, see column 3, lines 14-19. As an example of pre-compressed video signals, Yang mentions the MPEG standards, see column 2, lines 64-67.

After determining the complexity of the pre-compressed signals, Yang teaches compressing a non-compressed (live) video signal (or signals) at a compression rate that depends on the complexity determination, see, for example, column 1, lines 26-36. When doing so, the complexity of the recently compressed signals (the recently compressed live video signals) is also determined. The overall goal is to dynamically allocate bandwidth to the live video signals on a frame-by-frame basis so as to provide the more complex live video signals with more bandwidth than the less complex live video signals. This is done to maximize the overall image resolution of the live video signals in view of the limited overall system bandwidth. Reference, column 5, lines 8-17.

In contrast to the above-quoted claim language, Yang does not teach or suggest splicing a second compressed video stream into a first compressed video stream. What Yang teaches is multiplexing multiple video streams onto a data link. A fundamental difference being that multiplexed video streams are separable into their components parts, thus the individual video streams continue as a plurality of individual video signals. In contrast, splicing forms one compressed video stream

that cannot be separated. In fact, multiplexing (verbal form of multiplex) is defined as "2. Indicating or being a simultaneous communication of two or more messages on the some wire or radio channel," while splicing (verbal form of splice) is defined as "1.a. To join (e.g. film) at the ends," reference *Webster's II, New Riverside University Dictionary*, copyright 1984, 1988, 1994 by Houghton Mifflin company.

The subject application's specification discusses and the its drawings show both a multiplexer 312 and a splicer 314, reference FIG. 3 and block 426 of FIG. 4. In fact, the splicer 314 is located to receive the signal from the multiplexer 312. If there were the same the subject invention would show one or the other, but not both.

In further contrast to the above-quoted claim language, Yang does not teach or suggest encoding a second video to have a profile similar to the profile of a first compressed video stream to generate a second compressed video stream. The subject application matches profiles to provide a seamless transition when splicing the second compressed program video stream into the first compressed video stream, see the subject specification, page 9, lines 23-30. Yang does nothing similar.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Yang reference fails to disclose each and every element of the claimed invention, as arranged in the claims. For at least the reasons discussed above, Applicant requests that the Examiner reconsider and withdraw the rejection of independent claims 1 and 14. In addition, dependent claims 2-8, 10, 12-13, 15, and 17-20 (which depend directly or indirectly from independent claims 1 or 14) are allowable at least for their dependency upon independent claims 1 or 14.

Therefore, the Applicant respectfully requests that the rejections of claims 1-8, 10, 12-15 and 17-20 be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner has rejected claims 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Yang. Applicant respectfully traverses the rejections.

Claim 9 and 11 depend from allowable base claim 1 (either directly or indirectly). Consequently, claims 9 and 11 are themselves allowable. As such, the Applicant submits that claims 9 and 11 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejections of claims 9 and 11 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Thus, the Applicant submits that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone either John M. Kelly, Esq. or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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